

# The Gazette of India

EXTRAORDINARY

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**MINISTRY OF LAW**

*New Delhi, the 6th March, 1952*

The following Acts, of Parliament received the assent of the President on the 6th March, 1952 and are hereby published for general information:—

**THE INFLAMMABLE SUBSTANCES ACT, 1952**

**No. XX of 1952**

[6th March, 1952]

An Act to declare certain substances to be dangerously inflammable and to provide for the regulation of their import, transport, storage and production by applying thereto the Petroleum Act, 1934, and the rules thereunder, and for certain matters connected with such regulation.

Enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Inflammable Substances Act, 1952.

2. **Definitions.**—In this Act,—

(a) “dangerously inflammable substance” means any liquid or other substance declared to be dangerously inflammable by this Act;

(b) “Petroleum Act” means the Petroleum Act, 1934 (XXX of 1934).

**3. Declaration of certain substances to be dangerously inflammable.**—The liquids and other substances hereinafter mentioned, namely:—

- (1) acetone,
- (2) calcium phosphide,
- (3) carbide of calcium,
- (4) cinematograph films having a nitro-cellulose base,
- (5) ethyl alcohol,
- (6) methyl alcohol,
- (7) wood naphtha,

are hereby declared to be dangerously inflammable.

**4. Power to apply Petroleum Act to dangerously inflammable substances.**—(1) The Central Government may, by notification in the Official Gazette, apply any or all of the provisions of the Petroleum Act and of the rules made thereunder, with such modifications as it may specify, to any dangerously inflammable substance, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of "petroleum" under that Act.

(2) The Central Government may make rules providing specially for the testing of any dangerously inflammable substance to which any of the provisions of the Petroleum Act have been applied by notification under sub section (1), and such rules may supplement any of the provisions of Chapter II of that Act in order to adapt them to the special needs of such tests.

**5. Operation of certain notifications and rules.**—Notifications or rules issued or purporting to have been issued under section 30 of the Petroleum Act between the 1st day of April, 1937, and the date of commencement of this Act shall be deemed to have been issued or made under this Act, and continue in force accordingly.

**6. Validation of certain acts and indemnity in respect thereof.**—All acts of executive authority, proceedings and sentences which have been done, taken or passed with respect to, or on account of, any inflammable substance since the 1st day of April, 1937, and before the commencement of this Act by any officer of Government or by any person acting under his authority or otherwise in pursuance of an order of the Government in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the Petroleum Act shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other legal proceeding shall be maintained or continued against any person whatever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

**7. Repeal of section 30, Act XXX of 1934.**—Section 30 of the Petroleum Act is hereby repealed.

# THE APPROPRIATION (RAILWAYS) VOTE ON ACCOUNT ACT, 1952

No. XXI of 1952

[6th March, 1952]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the service of the year beginning on the 1st day of April, 1952.

Be it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Appropriation (Railways) Vote on Account Act, 1952.

2. **Withdrawal of Rs. 94,93,60,000 from and out of the Consolidated Fund of India for the year 1952-53.**—From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of ninety-four crores, ninety-three lakhs and sixty thousand rupees towards defraying the several charges which will come in course of payment during the year beginning on the 1st day of April, 1952.

3. **Appropriation.**—The sums authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year beginning on the 1st day of April, 1952.

## SCHEDULE (See sections 2 and 3)

1  No. of Vote	2  Services and purposes	3		
		Sums not exceeding		Total
		Voted by Parliament	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
1	Railway Board . . . . .	11,00,000	..	11,00,000
2	Audit . . . . .	11,64,000	..	11,64,000
3	Miscellaneous Expenditure . . . . .	23,79,000	..	23,79,000
4	Working Expenses—Administration. . . . .	8,55,54,000	..	8,55,54,000
5	Working Expenses—Repairs and Maintenance . . . . .	21,40,64,000	..	21,40,64,000
6	Working Expenses—Operating Staff . . . . .	13,68,72,000	..	13,68,72,000
7	Working Expenses—Operation (Fuel) . . . . .	11,33,12,000	..	11,33,12,000
8	Working Expenses—Operation other than Staff and Fuel . . . . .	4,71,11,000	..	4,71,11,000
9	Working Expenses—Miscellaneous Expenses . . . . .	6,59,34,000	..	6,59,34,000

1	2	3		
		Sums not exceeding		Total
		Voted by Parliament	Charged on the Consolidated Fund	
No. of Vote	Services and purposes	Rs.	Rs.	Rs.
9A.	Working Expenses—Labour Welfare	1,28,20,000	..	1,28,20,000
10	Payments to Indian States and Companies . . . . .	10,52,000	..	10,52,000
12A.	Open Line Works (Revenue) Labour Welfare . . . . .	50,84,000	..	50,84,000
12B.	Open Line Works (Revenue) other than Labour Welfare . . . . .	1,31,86,000	..	1,31,86,000
15	Construction of New Lines . . . . .	17,14,000	..	17,14,000
16	Open Line Works—Additions . . . . .	4,36,78,000	..	4,36,78,000
17	Open Line Works—Replacements . . . . .	16,90,51,000	..	16,90,51,000
18	Open Line Works—Development Fund . . . . .	3,46,68,000	..	3,46,68,000
19	Capital Outlay on Vizagapatam Port . . . . .	6,17,000	..	6,17,000
	<b>TOTAL</b> . . . . .	94,93,60,000	..	94,93,60,000

## THE BOMBAY COASTING-VESSELS (AMENDMENT) ACT, 1952

No. XXII OF 1952

[6th March, 1952]

An Act further to amend the Bombay Coasting-vessels Act, 1838.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Bombay Coasting-vessels (Amendment) Act, 1952.

2. **Substitution of certain words for the words "Master-Attendant" in Act XIX of 1838.**—Throughout the Bombay Coasting-vessels Act, 1838 (hereinafter referred to as the principal Act), for the words "Master-Attendant", wherever they occur, the words "Principal Officer, Mercantile Marine Department" shall be substituted.

**3. Amendment of short title, Act XIX of 1838.**—In the short title of the principal Act, the word "Bombay" shall be omitted.

**4. Insertion of new section 1 in Act XIX of 1838.**—The following section shall be inserted as section 1 of the principal Act, namely:—

"1. *Extent.*—This Act extends in the first instance to the States of Bombay, Saurashtra and Kutch, but the Central Government may, by notification in the Official Gazette, extend it to any other State which has a sea-coast."

**5. Amendment of section 2, Act XIX of 1838.**—In section 2 of the principal Act,—

(a) the words "residing within the State of Bombay" shall be omitted; and

(b) for the words "the said State" the words "any State to which this Act extends" shall be substituted.

**6. Amendment of sections 4, 12 and 13, Act XIX of 1838.**—In the second paragraph of section 4 and in sections 12 and 13 of the principal Act, the words "within the said State" shall be omitted.

**7. Amendment of section 6, Act XIX of 1838.**—In section 6 of the principal Act, the words "within the State of Bombay" shall be omitted.

**8. Substitution of new section for section 10 in Act XIX of 1838.**—For section 10 of the principal Act, the following section shall be substituted, namely:—

"10. *Fees for certificates.*—The owner or owners of such vessels employed as aforesaid (fishing-vessels and harbour-craft being excepted) on being registered as aforesaid, shall pay—

for each certificate of registry for a vessel not exceeding 5 tons burthen, the fee of ... ..	1 rupee;
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for each certificate for a vessel exceeding 5 tons burthen and not exceeding 25 tons burthen, the fee of ... ..	5 rupees;
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for each certificate for a vessel exceeding 25 tons burthen and not exceeding 100 tons burthen, the fee of ... ..	7 rupees;
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and for each certificate for a vessel of 100 tons or greater burthen, per ton, the fee of ... ..	2 annas."
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**9. Amendment of the Schedule, Act XIX of 1838.**—In the Schedule to the principal Act, for the words "Bombay *khandis*" the word "tons" shall be substituted.

**10. Repeal and saving.**—If immediately before the commencement of this Act there is in force in the State of Kutch, any law corresponding to the principal Act, that law shall, on such commencement, stand repealed:

Provided that notwithstanding such repeal, anything done or any action taken (including any certificate of registration issued) in the exercise of

any power conferred by or under such corresponding law, shall be deemed to have been issued, done or taken in the exercise of the powers conferred by or under the principal Act, as amended by this Act, as if the principal Act as so amended was in force in the said State on the day on which any such thing was done or action was taken.

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1952

No. XXIII OF 1952

[8th March, 1952]

An Act further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Code of Criminal Procedure (Amendment) Act, 1952.

**2. Substitution of new section for section 527 in Act V of 1898.**—For section 527 of the Code of Criminal Procedure, 1898, the following section shall be substituted, namely:—

*“527. Power of Supreme Court to transfer cases and appeals.—*

(1) Whenever it is made to appear to the Supreme Court that an order under this section is expedient for the ends of justice, it may direct that any particular case or appeal be transferred from one High Court to another High Court or from a criminal court subordinate to one High Court to another criminal court of equal or superior jurisdiction subordinate to another High Court.

(2) The Supreme Court may act under this section only on the application of the Attorney-General of India or of a party interested, and every such application shall be made by motion which shall, except when the applicant is the Attorney-General of India or the Advocate-General, be supported by affidavit or affirmation.

(3) The court to which such case is transferred may act on the evidence already recorded or partly so recorded and partly recorded by itself, or it may re-summon the witnesses and recommence the inquiry or trial:

Provided that in any case so transferred the person accused may, when the court to which the case is transferred commences its proceedings, demand that the witnesses or any of them be re-summoned and reheard.

(4) Where any application for the exercise of the powers conferred by this section is dismissed, the Supreme Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider appropriate in the circumstances of the case.”

## THE CRIMINAL TRIBES LAWS (REPEAL) ACT, 1952

### No. XXIV OF 1952

[6th March, 1952]

An Act to provide for the repeal of the Criminal Tribes Act, 1924, and certain other laws corresponding thereto.

BE it enacted by Parliament as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Criminal Tribes Laws (Repeal) Act, 1952.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force immediately.

2. **Repeal of Act VI of 1924 and corresponding laws.**—The Criminal Tribes Act, 1924 (VI of 1924) and every other law corresponding thereto in force in any State or part thereof shall stand repealed on the 31st day of August, 1952, but the Central Government may, by notification in the Official Gazette, declare that the said Act or any corresponding law shall stand repealed in any State or part thereof with effect from any earlier date.

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## THE INDIAN BOILERS (AMENDMENT) ACT, 1952

### No. XXV OF 1952

[6th March, 1952]

An Act further to amend the Indian Boilers Act, 1923.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Indian Boilers (Amendment) Act, 1952.

2. **Amendment of section 2B, Act V of 1923.**—In section 2B of the Indian Boilers Act, 1923, the words, brackets, letters and figures “clause (e) of section 6, clauses (c) and (d) of section 11, clause (d) of section 29” shall be omitted.

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## THE DELHI SPECIAL POLICE ESTABLISHMENT (AMENDMENT) ACT, 1952

### No. XXVI OF 1952

[6th March, 1952]

An Act further to amend the Delhi Special Police Establishment Act, 1946.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Delhi Special Police Establishment (Amendment) Act, 1952.

2. Amendment of the long title and the preamble, Act XXV of 1946.—In the long title of, and the preamble to, the Delhi Special Police Establishment Act, 1946 (hereinafter referred to as the principal Act), for the words "for the State of Delhi for the investigation of certain offences committed in connection with matters concerning Departments of the Central Government," the words "in Delhi for the investigation of certain offences in Part C States" shall be substituted.

3. Amendment of section 2, Act XXV of 1946.—In section 2 of the principal Act,—

(a) in sub-section (1),—

(i) the words "for the State of Delhi" shall be omitted, and

(ii) for the words "in that State" the words "in any Part C State" shall be substituted;

(b) in sub-section (2) and sub-section (3), for the words "the State of Delhi" the words "any Part C State" shall be substituted.

4. Amendment of section 3, Act XXV of 1946.—In section 3 of the principal Act, the words "committed in connection with matters concerning Departments of the Central Government" shall be omitted.

5. Amendment of section 5, Act XXV of 1946.—In sub-section (1) of section 5 of the principal Act, for the words "in India outside the State of Delhi" the words and letters "in a Part A State or a Part B State" shall be substituted.

6. Substitution of new section for section 6, Act XXV of 1946.—For section 6 of the principal Act, the following section shall be substituted, namely:—

"6. *Consent of State Government to exercise of powers and jurisdiction.*—Nothing contained in section 5 shall be deemed to enable any member of the Delhi Special Police Establishment to exercise powers and jurisdiction in any area in a Part A State or a Part B State, not being a railway area, without the consent of the Government of that State."

K. V. K. SUNDARAM, Secy.